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Latonia Smith*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LATONIA SMITH,

Defendant.

Case No.: 2:19-cr-00304-RFB-VCF-1

**NOTICE RE STATUS OF EYEWARE
FOR LATONIA SMITH**

Telia Mary U. Williams, Esq., and Gwynne Dumbrigue, Esq., counsel for defendant Latonia Smith, submit this notice to update the court on the status of Ms. Smith's obtaining suitable eyewear for her trial, currently slated to commence on April 22, 2021, as ordered by the court.

On April 1, 2021, this court held a status hearing (by videoconference) at which defense counsel raised the concern that Ms. Smith had just apprised them that she was being denied her contact lenses that she has with her in custody. Defense counsel had previously emailed the

1 United States Marshals, including Deputy Desch, regarding this concern, as soon as counsel
2 learned of it, and the latter attended the status hearing, by telephone, as well. The court directed
3 Ms. Smith to follow the protocol now established at the Nevada Southern Detention Center
4 (NSDC), where she is in custody, in order to have either eyeglasses and/or contact lenses issued
5 to her. Deputy Desch also offered that Ms. Smith's family could expedite the process, by
6 directing a physician or third-party provider (such as, "1-800-Contacts"), to send prescription
7 eyewear directly to Ms. Smith in custody. However, it was explained, Ms. Smith would not be
8 permitted to accept eyewear, even by prescription, directly from non-medical individuals,
9 including family. (Unbeknownst to counsel, Ms. Smith's mother has recently sent her daughter
10 eyeglasses to NSDC, which has apparently not yet arrived).

13 Deputy Desch kindly further communicated with undersigned counsel after the hearing to
14 inform that he had arranged for Ms. Smith to have an optometry appointment courtesy of the
15 NSDC, but it would not occur in time for trial.

17 As of yesterday evening, counsel learned that Ms. Smith's optometrist would not agree to
18 send her glasses in custody, as her prescription is now a year old, which contravenes his policy.
19 Further, Ms. Smith's family had difficulty trying to get an order with a third-party provider,
20 considering that they did not have a prescription. Thus, despite everyone's best efforts, it does
21 appear that Ms. Smith will not have suitable eyewear for trial. Defense counsel gave
22 Government counsel a "heads up" about this possibility on the afternoon of Tuesday, April 6.

24 Nonetheless, Ms. Smith has indicated her unequivocal and fervent desire to go forward.
25 She does not want to delay her trial even in the slightest, and has confirmed, unwaveringly, that
26 she can and will make do without her glasses, as she has on prior occasions. She has extensively
27 discussed the discovery and other available materials in this case with counsel by
28

1 videoconference, and with counsel in person (on Saturday, April 3, 2021). She indicates that any
2 new material, she would be willing to have read to her on the telephone. Ms. Smith will go,
3 upon information and belief, into quarantine for her trial today, April 8, 2021. She and defense
4 counsel conferred on this matter in their videoconference meeting yesterday—the last that they
5 will be able to have before trial. Ms. Smith might not be able to receive any new written
6 materials from counsel before trial in any case. Considering Ms. Smith’s representations, her
7 vehement refusal to delay trial, and the fact that she confirmed having sufficiently reviewed the
8 discovery in her case, defense counsel is satisfied that trial may proceed on the scheduled date
9 without Ms. Smith’s eyewear. If anything changes, and counsel learns that Ms. Smith’s family
10 succeeds in getting a third-party provider to send her glasses/contacts, counsel will provide a
11 further written update.
12
13

14 This respectfully concludes defense counsel’s status report to the court, per the court’s
15 order.
16

17 Dated this 8th day of April, 2021.

18 Respectfully submitted,

19 LAW OFFICE OF TELIA U. WILLIAMS

20 /s/ Telia U. Williams, Esq.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the following date the foregoing was electronically filed with the Clerk of Court using the CM/ECF system.

Dated: April 8, 2020

/s/ David DaSilva

For the Law Office of Telia U. Williams